

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEFFEREY JONES,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-00890-JD
)	
RICHARD FRANKLIN,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Suzanne Mitchell's Report and Recommendation [Doc. No. 8] recommending that Plaintiff's Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] be denied. Judge Mitchell advised Mr. Jones of his right to file an objection to the Report and Recommendation with the Clerk of Court by November 5, 2020, and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues contained in the Report and Recommendation. [Doc. No. 8 at 2]. *See also* 28 U.S.C. § 636.

The record reflects that Mr. Jones did not file an objection to the Report and Recommendation by the deadline or request an extension of time to do so. The Court notes that all attempts to serve Mr. Jones with the Court's orders at Mr. Jones's address of record have failed. The multiple service attempts, including the Court's effort to serve Mr. Jones at an address he verbally provided by telephone, are described in the Report. [See Doc. No. 8 at 2]. However, Mr. Jones is responsible for notifying the Court of any

change of address and “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” LCvR5.4(a).

The Court therefore **ADOPTS** the Report and Recommendation [Doc. No. 8] in its entirety for the reasons stated therein. Mr. Jones’ Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] is **DENIED**. Plaintiff Jefferey Jones is **ORDERED** to pay the full filing fee to the Clerk of Court within 21 days of this Order or by January 13, 2021, or this action will be dismissed without prejudice.

IT IS SO ORDERED this 23rd day of December 2020.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE